

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Middle District of Pennsylvania

United States of America

v.

FERNANDO HERNANDEZ-GARFIAS

Case No. ~~XXXXXX~~

1:25-mj-00037

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of MAY 7, 2025 in the county of YORK in the
MIDDLE District of PENNSYLVANIA, the defendant(s) violated:

Code Section

Offense Description

8 USC §1326(a)

ILLEGAL RE-ENTRY

This criminal complaint is based on these facts:

I, Colt Detwiler, being duly sworn, hereby depose and state as follows.... (See attached continuation pages 1-7)

☒ Continued on the attached sheet.

 Complainant's signature

 COLT DETWILER, DEPORTATION OFFICER
 Printed name and title

Sworn to telephonically and signed electronically by me.

Date: JUNE 12, 2025

 Judge's signature
City and state: Harrisburg, PA
 Daryl F. Bloom, Chief U.S. Magistrate Judge
 Printed name and title

CONTINUATION PAGES TO CRIMINAL COMPLAINT

... I am a Deportation Officer with U.S. Immigration and Customs Enforcement (ICE) within the U.S. Department of Homeland Security (DHS). Since November 30, 2009, I have been employed with ICE. As a Deportation Officer with ICE, I have been charged with conducting investigations related to violations of the Immigration and Nationality Act, specifically foreign-born nationals that have been deported from the United States and subsequently re-entered the United States illegally. I am currently assigned to ICE Enforcement and Removal Operations (ERO), York, Pennsylvania, and my duties include investigating violations of Title 8 of the United States Code, including illegal reentry and related offenses.

1. This affidavit is based on information that I have obtained from my personal observations, witness interviews, my training and experience, review of documentary evidence, and information provided to me by other members of the investigation. Because this affidavit is submitted only for the limited purpose of establishing probable cause for a criminal complaint and arrest warrant, it does not include all information known to the government as a result of the investigation.

2. Based on my training and experience, and the facts set forth in this affidavit, there is probable cause to believe that a violation of Title 8, United States Code, Section 1326(a), which makes it a crime for an alien who has been previously removed, excluded, deported, or denied admission to the United States, to reenter without permission, has been committed by Fernando HERNANDEZ-GARFIAS (HERNANDEZ-GARFIAS).

3. On May 7, 2025, ICE Officers encountered HERNANDEZ-GARFIAS at York County Central Booking, York County, Pennsylvania, which is in the Middle District of Pennsylvania after receiving a biometric hit from York County Central Booking. ICE Officers conducted fingerprint checks of HERNANDEZ-GARFIAS. HERNANDEZ-GARFIAS's fingerprints matched those of an individual named HERNANDEZ-GARFIAS, with FBI number 593062XB8, who was previously removed from the United States to Mexico.

4. On June 4, 2025, I conducted a check in the National Crime Information Center (NCIC) database for HERNANDEZ-GARFIAS's criminal history, as well as his immigration history. Under the FBI

number provided, 593062XB8, I discovered that HERNANDEZ-GARFIAS been arrested multiple times:

a. On October 03, 2002, McSherrystown Police Department arrested HERNANDEZ-GARFIAS for Unsworn Falsification to Authorities and 3 Counts of False ID to Law Enforcement Officers. On August 09, 2004, HERNANDEZ-GARFIAS entered a plea of guilty to Unsworn Falsification to Authorities and was sentenced to 12 months in an Intermediate Punishment Program (IPP).

b. On October 17, 2002, Conewago Township Police Department arrested HERNANDEZ-GARFIAS for Unsworn Falsification to Authorities, False ID to LEO and False Reports to Law Enforcement. No disposition was reported.

c. On January 12, 2004, Pennsylvania State Police in Gettysburg, PA arrested HERNANDEZ-GARFIAS for Unauthorized Use of Auto and Vehicle. On August 9, 2004, HERNANDEZ-GARFIAS pled guilty to this charge and was sentenced to 12 months IPP.

d. On August 7, 2004, Pennsylvania State Police in Lancaster, PA arrested HERNANDEZ-GARFIAS for Possession of a

Controlled Substance. On September 20, 2005, HERNANDEZ-GARFIAS pled guilty to this charge, but the punishment is not reported.

e. On July 6, 2016, Pennsylvania State Police in Gettysburg, PA arrested HERNANDEZ-GARFIAS for Escape. No disposition was reported.

f. On May 7, 2025, Northern York County Regional Police Department arrested HERNANDEZ-GARFIAS and charged HERNANDEZ-GARFIAS with Strangulation and Harassment. These charges are pending adjudication.

5. After searching DHS databases, I also learned that HERNANDEZ-GARFIAS has had multiple encounters with immigration officials:

a. On May 28, 2008, HERNANDEZ-GARFIAS was encountered by the U.S. Border Patrol near McAllen, TX and was voluntarily returned to Mexico,

b. On February 29, 2016, ICE ERO York, encountered HERNANDEZ-GARFIAS and issued a Notice to Appear (Form I-862).

c. On July 22, 2016, an immigration Judge in York, PA ordered HERNANDEZ-GARFIAS removed from the United States to Mexico.

d. On November 23, 2016, ICE removed HERNANDEZ-GARFIAS from the United States to Mexico through the Brownsville, TX Port of Entry (POE). A Warrant of Removal/Deportation (Form I-205) verifies the removal.

e. On an unknown date and at an unknown location HERNANDEZ-GARFIAS illegally reentered the United States without receiving prior consent from the United States Attorney General or the Department of Homeland Security.

7. Based on my training and experience, I know that ICE maintains a file on all aliens encountered by immigration officials. This file, known as the Alien File ("A-File"), contains documentation relating to the alien, including his/her photograph, warrants of deportation, fingerprints, documents reflecting criminal history, documents reflecting the country of citizenship, and other documents. Each alien is assigned an identification number, referred to as the "Alien Number." A search of ICE

databases revealed that HERNANDEZ-GARFIAS has been assigned Alien Number 208 443 771.

8. I reviewed HERNANDEZ-GARFIAS's Alien File and learned the following. At the time of his most recent removal on or about November 23, 2016, HERNANDEZ-GARFIAS, a native and citizen of Mexico, was served with Form I-205, bearing his photograph and right index fingerprint. On June 12, 2025, HERNANDEZ-GARFIAS was fingerprinted by ICE Officers, and it was a positive match to the fingerprint on Form I-205.

9. Based on my review of DHS's electronic databases and documents contained within HERNANDEZ-GARFIAS's A-File, I have made the following conclusions:

- a. HERNANDEZ-GARFIAS is a citizen and national of Mexico.
- b. This affidavit and the complaint to which it is attached correctly reflects HERNANDEZ-GARFIAS's name.
- c. HERNANDEZ-GARFIAS was removed from the United States to Mexico on at least one occasion.

d. A search of United States Department of Homeland Security databases revealed that HERNANDEZ-GARFIAS did not seek or obtain permission of the United States Attorney General, or the Secretary of the Department of Homeland Security, to re-enter as required by 8 U.S.C. § 1360(a).

CONCLUSION

Based on the foregoing, I respectfully submit that the facts set forth in this affidavit demonstrate that there is probable cause to conclude that Fernando HERNANDEZ-GARFIAS illegally re-entered the United States after removal in violation of 8 U.S.C. §§ 1326(a). I therefore respectfully ask that the Court issue a warrant ordering his arrest for such crime.